

BEFORE THE TENNESSEE REGULATORY AUTHORITY

Nashville, Tennessee
November 25, 2003

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T.R.A. DOCKET ROOM

In Re: *Implementation of the Federal Communications Commission's Triennial Review Order (Nine-month Proceeding) (Switching)*
Docket No. 03-00491

**NUVOX COMMUNICATIONS, INC. ANSWER TO BELL SOUTH
TELECOMMUNICATIONS, INC.'S
FIRST SET OF INTERROGATORIES
TO NUVOX COMMUNICATIONS, INC.**

NuVox Communications, Inc. ("NuVox") hereby answers in response to the following discovery requests in the time established by the Procedural Schedule provided by Director Jones on October 21, 2003.

Interrogatories from the information/data that is available and extractable from NuVox's systems.

RESPONSE TO INTERROGATORIES

1. Identify each switch owned by NuVox that NuVox uses to provide a qualifying service anywhere in Tennessee, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch).

RESPONSE: See answer to Interrogatory No. 2.

2. For each switch identified in response to Interrogatory No. 1, please:
 - (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
 - (b) provide the street address, including the city and state in which the switch is located;

- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) provide information relating to the switch as contained in Telcordia's Local Exchange Routing Guide ("LERG"); or, state if the switch is not identified in the LERG.

RESPONSE:

- 1) NSVNTN08
940 3rd Ave N
Nashville, TN 37201
Nortel DMS500
Current Capacity - 10176
Working Lines 3523
V-07008 H-02712

- 2) GNVLSCDB (serves multiple markets)
301 North Main St
Greenville, SC 29601
Nortel DMS500
Current Capacity – 24768
TN Lines – 2531
V- 06872 H-01894

3. Identify any other switch not previously identified in Interrogatory No. 1 that NuVox uses to provide a qualifying service anywhere in Tennessee, irrespective of whether the switch itself is located in the State and regardless of the type of switch (e.g., circuit switch, packet switch, soft switch, host switch, remote switch). In answering this Interrogatory, do not include ILEC switches used by NuVox either on an unbundled or resale basis.

RESPONSE: None.

4. For each switch identified in response to Interrogatory No. 3, please:
- (a) identify the person that owns the switch;
 - (b) provide the Common Language Location Identifier (“CLLI”) code of the switch;
 - (c) provide the street address, including the city and state in which the switch is located;
 - (d) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
 - (e) describe in detail the arrangement by which you are making use of the switch, including stating whether you are leasing the switch or switching capacity on the switch;
 - (f) identify all documents referring or relating to the rates, terms, and conditions of NuVox’s use of the switch; and
 - (g) provide information relating to the switch as contained in Telcordia’s Local Exchange Routing Guide (“LERG”); or, state if the switch is not identified in the LERG.

RESPONSE: Not applicable.

5. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Tennessee utilizing any of the switches identified in response to Interrogatory No. 1. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

RESPONSE: See Attachment A.

6. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory 1.

RESPONSE: See Attachment A.

7. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 6, separate the lines by end user and end user location in the following manner:
- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
 - (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
 - (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
 - (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;

- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

RESPONSE: See Attachment A. Consistent with its objections previously provided in response to this request, NuVox will not provide customer specific information.

8. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user

customers in Tennessee utilizing any of the switches identified in response to Interrogatory No. 3. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user is located.

RESPONSE: Not applicable.

9. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area from the switches identified in response to Interrogatory No. 3.

RESPONSE: Not applicable.

10. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 9, separate the lines by end user and end user location in the following manner:
- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
 - (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
 - (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
 - (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
 - (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;

- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;
- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

RESPONSE: Not applicable.

11. Identify by name, address, and CLLI code each ILEC wire center area, i.e., the territory served by the wire center, in which you provide qualifying service to any end user customers in Tennessee using an ILEC's switch either on an unbundled or resale basis. If you assert that you cannot identify or do not know how to ascertain the boundaries of a wire center area, provide the requested information for the ILEC exchange in which your end user customer is located.

RESPONSE: Not applicable. NuVox does not market or generally offer for sale to third parties telecommunications services provisioned via UNE-P.

12. For each ILEC wire center area identified in the foregoing Interrogatory (or ILEC exchange if you do not provide the information by wire center area) identify the total number of voice-grade equivalent lines you are providing to end user customers in that wire center area using an ILEC's switch either on an unbundled or resale basis.

RESPONSE: Not applicable. NuVox does not market or generally offer for sale to third parties telecommunications services provisioned via UNE-P.

13. With regard to the voice-grade equivalent lines identified by ILEC wire center area (or ILEC exchange) in response to Interrogatory 12, separate the lines by end user and end user location in the following manner:

- (a) The number of end user customers to whom you provide one (1) voice-grade equivalent line;
- (b) The number of end user customers to whom you provide two (2) voice-grade equivalent lines;
- (c) The number of end user customers to whom you provide three (3) voice-grade equivalent lines;
- (d) The number of end user customers to whom you provide four (4) voice-grade equivalent lines;
- (e) The number of end user customers to whom you provide five (5) voice-grade equivalent lines;
- (f) The number of end user customers to whom you provide six (6) voice-grade equivalent lines;

- (g) The number of end user customers to whom you provide seven (7) voice-grade equivalent lines;
- (h) The number of end user customers to whom you provide eight (8) voice-grade equivalent lines;
- (i) The number of end user customers to whom you provide nine (9) voice-grade equivalent lines;
- (j) The number of end user customers to whom you provide ten (10) voice-grade equivalent lines;
- (k) The number of end user customers to whom you provide eleven (11) voice-grade equivalent lines;
- (l) The number of end user customers to whom you provide twelve (12) voice-grade equivalent lines; and
- (m) The number of end user customers to whom you provide more than twelve (12) voice-grade equivalent lines;

RESPONSE: See Response to Interrogatory No. 12..

14. Do you offer to provide or do you provide switching capacity to another local exchange carrier for its use in providing qualifying service anywhere in the nine states in the BellSouth region. If the answer to this Interrogatory is in the affirmative, for each switch that you use to offer or provide such switching capacity, please:

- (a) Provide the Common Language Location Identifier (“CLLI”) code of the switch;
- (b) Provide the street address, including the city and state in which the switch is located;
- (c) Identify the type of switch by manufacturer and model (e.g., Nortel DMS100);

- (d) State the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) State the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) Identify all documents referring or relating to the rates, terms, and conditions of NuVox's provision of switching capability.

RESPONSE: Not applicable

15. Identify every business case in your possession, custody or control that evaluates, discusses, analyzes or otherwise refers or relates to the offering of a qualifying service using: (1) the Unbundled Network Element Platform (UNE-P), (2) self-provisioned switching, (3) switching obtained from a third party provider other than an ILEC, or (4) any combination of these items.

RESPONSE: . NuVox objects to this interrogatory to the extent that it is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this interrogatory requests specific financial, business or proprietary information regarding NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox's economic business model instead of the hypothetical business model contemplated by the TRO. The TRO explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the

given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶ 326. In particular, the FCC stated:

In considering whether a competing carrier could economically serve the market without access to the incumbent's switch, the state commission must also consider the likely revenues and costs associated with local exchange mass market service . . . The analysis must be based on the *most efficient business model* for entry rather than to any *particular carrier's business model*.

Id. [Emphasis Added] Additionally, with respect to economic entry, in ¶ 517, the

FCC stated that “. . . [t]he analysis must be based on the most efficient business model for entry rather than to any particular carrier's business model.” Furthermore, in Footnote 1579 of Paragraph 517, the FCC clarified that “. . . [s]tate commissions should not focus on whether competitors operate under a cost disadvantage. State commissions should determine if entry is economic by conducting a business case analysis for an *efficient entry*.” [emphasis added].

In addition to these statements, the FCC also made numerous other references to the operations and business plans of an efficient competitor, specifically rejecting a review of a particular carrier's business plans or related financial information. See, ¶ 84, Footnote 275 (“Once the UNE market is properly defined, impairment should be tested by asking whether a *reasonable efficient CLEC* retains the ability to compete even without access to the UNE.”) (citing BellSouth Reply, Attach 2, Declaration of Howard A. Shelanski at ¶2(emphasis added)). See also, TRO at ¶115; ¶469; ¶485, Footnote 1509; ¶517, Footnote 1579; ¶519, Footnote 1585; ¶520, Footnotes 1588 and 1589; ¶581, and Footnote 1788.

Accordingly, the FCC's *TRO* specifically contemplates the consideration of financial and related information of an *efficient “model” competitor* and not that of NuVox or any other *particular competitor*. As a result, discovery of NuVox

financial information or business plans will not lead to the discovery of admissible evidence in this proceeding. NuVox also objects on the grounds that the interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. NuVox also objects because as defined within the interrogatories the term “business case” is overbroad. NuVox also objects because, particularly in view of the fact the information is irrelevant, requiring NuVox to disclose its internal analyses would be oppressive and unduly burdensome. Additionally, NuVox objects to this interrogatory to the extent it seeks or may be deemed to seek or require the production or disclosure of information subject to the attorney/client or other privileges, the work product doctrine, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege.

16. Identify any documents that you have provided to any of your employees or agents, or to any financial analyst, bank or other financial institution, shareholder or any other person that describes, presents, evaluates or otherwise discusses in whole or part, how you intend to offer or provide local exchange service, including but not limited to such things as the markets in which you either do participate or intend to participate, the costs of providing such service, the market share you anticipate obtaining in each market, the time horizon over which you anticipate obtaining such market share, and the average revenues you expect per customer.

RESPONSE: See Response to Interrogatory 15 as well as NuVox’s Objections filed with the TRA on November 6, 2003.

17. If not identified in response to a prior Interrogatory, identify every document in your possession, custody, or control referring or relating to the financial viability of self-provisioning switching in your providing qualifying services to end user customers.

RESPONSE: See Response to Interrogatory No. 15 as well as NuVox's Objections filed with the TRA on November 6, 2003.

18. Do you have switches that are technically capable of providing, but are not presently being used to provide, a qualifying service in Tennessee? If the answer to this Interrogatory is in the affirmative, please:

- (a) provide the Common Language Location Identifier ("CLLI") code of the switch;
- (b) provide the street address, including the city and state in which the switch is located;
- (c) identify the type of switch by manufacturer and model (e.g., Nortel DMS100);
- (d) state the total capacity of the switch by providing the maximum number of voice-grade equivalent lines the switch is capable of serving, based on the switch's existing configuration and component parts;
- (e) state the number of voice-grade equivalent lines the switch is currently serving based on the switch's existing configuration and component parts; and
- (f) identify any documents in your possession, custody or control that discuss, evaluate, analyze or otherwise refer or relate to whether those switches could be used to provide a qualifying service in Tennessee.

RESPONSE: No.

19. Identify each MSA in Tennessee where you are currently offering a qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

RESPONSE: NuVox does not collect or maintain any data relating to the MSA.

20. If you offer a qualifying service outside of the MSAs identified in response to Interrogatory 19, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

RESPONSE: NuVox does not collect or maintain any data relating to the MSA.

21. Describe with particularity the qualifying services that you offer in the geographic areas described in response to Interrogatories 19 and 20, including the rates, terms, and conditions under which such services are offered. If the qualifying services you offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

RESPONSE: NuVox does not collect or maintain any data relating to the MSA.

NuVox objects to this interrogatory on the grounds that it seeks information regarding

“qualifying services” as this term is vague and undefined as more fully explained in General Objection 9 filed with the TRA on November 6, 2003. NuVox also objects to this interrogatory on the grounds that it is irrelevant. NuVox is not a wholesale switching provider. The rates of its retail switching service are beyond the scope of this proceeding.

21. Identify each MSA in Tennessee where you are currently offering a non-qualifying service without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

Response: NuVox does not collect or maintain any data relating to the MSA.

22. If you offer a non-qualifying service outside of the MSAs identified in response to Interrogatory 22, identify those geographic areas either by describing those areas in words or by providing maps depicting the geographic areas in which you offer such service, without regard to whether you are offering the service using your own facilities, UNE-P, resale, or in some other fashion.

RESPONSE: NuVox does not collect or maintain any data relating to the MSA. NuVox objects to this interrogatory because the term “non-qualifying service,” is undefined, as more fully explained in General Objection 9 filed with the TRA on November 6, 2003. Therefore, the interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that the rates for its services are confidential and proprietary.

23. Describe with particularity the non-qualifying services that you offer in the geographic areas described in response to Interrogatories 22 and 23, including the rates, terms, and conditions under which such services are offered. If the non-qualifying services you

offer in those areas vary by area, provide a separate statement of services offered and the rates, terms, and conditions for such services in each area. If this information is contained on a publicly available web site that clearly identifies the relevant geographic areas and identifies the relevant rates, terms and conditions for such areas, it will be a sufficient answer to identify that web site. It will not be a sufficient response if the web site requires the provision of a telephone number or series of telephone numbers in order to identify the geographic area in which you provide such service, or the rates, terms and conditions upon which service is provided.

RESPONSE: NuVox objects to this interrogatory because the term “non-qualifying service,” is undefined, as more fully explained in General Objection 9 filed with the TRA on November 6, 2003. This interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that the rates for its services are confidential and proprietary.

24. Please state the total number of end users customers in the State of Tennessee to whom you only provide qualifying service.

RESPONSE: See Attachment A.

25. For those end user customers to whom you only provide qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

RESPONSE: NuVox objects to this interrogatory because the term “qualifying service,” is undefined, as more fully explained in General Objection 9 filed with the TRA on November 6, 2003. This interrogatory is overly broad and it would be

unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects to this interrogatory because it is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence for the reasons explained in NuVox's objection to Interrogatory 15. NuVox also objects on the grounds that the interrogatory asks for information that is irrelevant to the impairment analysis prescribed in the TRO and not reasonably calculated to lead to the discovery of admissible evidence. NuVox also objects to this interrogatory on the grounds it seeks confidential and proprietary business information. Further, NuVox interprets this interrogatory to request aggregate information. If BellSouth intended to request average monthly revenues for each individual end use customer, then NuVox objects on the grounds that the interrogatory is unduly burdensome and oppressive.

26. For those end user customers to whom you only provide qualifying service in the State of Tennessee, please state the average number of lines that you provide each such end user customer.

RESPONSE: See Attachment A.

27. Please state the total number of end users customers in the State of Tennessee to whom you only provide non-qualifying service.

RESPONSE: NuVox objects to this interrogatory because the terms "qualifying services" and "non-qualifying service," are undefined, as more fully explained in General Objection 9 filed with the TRA on November 6, 2003 TRA. NuVox objects to this interrogatory to the extent that it seeks information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements. Subject to, and without waiving these objections, NuVox will make

reasonable efforts to provide certain information regarding its “non-qualifying services” and “qualifying services” that is not otherwise confidential, proprietary business or commercial information and production of its information would lead to disclosure of information regarding NuVox’s confidential, internal operations that could seriously damage its business.

28. For those end user customers to whom you only provide non-qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

RESPONSE: See Response to Interrogatory 28.

29. Please state the total number of end users customers in the State of Tennessee to whom you provide both qualifying and non-qualifying service.

RESPONSE: See Attachment A.

30. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Tennessee, please state the average monthly revenues you receive from each such end user customer.

RESPONSE: NuVox objects to this interrogatory on the grounds that this interrogatory seeks information that is unrelated to and inconsistent with the impairment analysis prescribed in the TRO, is therefore irrelevant to the issues in the case and the analysis to be conducted by the TRA, and is not reasonably designed to lead to the discovery of admissible evidence as more fully explained in the objection to Interrogatory 15 above. NuVox objects to the extent that this interrogatory seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any

confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of NuVox's attorneys or its representatives. NuVox also objects on the grounds this interrogatory seeks the disclosure of commercially sensitive, confidential and proprietary business information. NuVox also objects to the request for information on a monthly basis since January 2000 as onerous, oppressive, unduly burdensome and beyond any legitimate discovery need. NuVox objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 9 filed with the TRA November 6, 2003. This interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery.

31. For those end user customers to whom you provide qualifying and non-qualifying service in the State of Tennessee, please state the average number of lines that you provide each such end user customer.

RESPONSE: See Attachment A.

32. Please provide a breakdown of the total number of end user customers served by NuVox in Tennessee by class or type of end user customers (e.g., residential customers, small business customers, mass market customers, enterprise customers, or whatever type of classification that you use to classify your customers. For each such classification, and/or if you provide another type of classification, define and describe with specificity the classification so that it can be determined what kinds of customers you have in each classification).

RESPONSE: NuVox provisions, for the most part, through the use of DS1 circuits.

33. For each class or type of end user customer referenced in Interrogatory No. 33, please state the average acquisition cost for each such end user class or type. Please provide this information for each month from January 2000 to the present.

RESPONSE: See Response to Interrogatory 31.

34. For each class or type of end user customer referenced in Interrogatory No. 33, please state the typical churn rate for each such end user class or type. Please provide this information for each month from January 2000 to the present.

RESPONSE: NuVox estimates an average churn rate of 1.5% per month in Tennessee at this time. NuVox is unable to readily retrieve and calculate for any historical churn rate.

35. For each class or type of end user customer referenced in Interrogatory No. 33, please state the share of the local exchange market you have obtained. Please provide this information for each month from January 2000 to the present.

RESPONSE: Subject to its Response to Interrogatory 31, NuVox does not have any way to effectively gauge its “market share”.

36. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to your cumulative market share of the local exchange market in Tennessee.

RESPONSE: None.

37. Identify any documents in your possession, custody or control that evaluate, discuss or otherwise refer or relate to any projections that you have made regarding your cumulative market share growth in the local exchange market in Tennessee.

RESPONSE: None.

38. Describe how the marketing organization that is responsible for marketing qualifying service in Tennessee is organized, including the organization's structure, size in terms of full time or equivalent employees including contract and temporary employees, and the physical work locations for such employees. In answering this Interrogatory, please state whether you utilize authorized sales representatives in your marketing efforts in Tennessee, and, if so, describe with particularity the nature, extent, and rates, terms, and conditions of such use.

RESPONSE: NuVox objects to this interrogatory on the grounds that it is irrelevant. NuVox's marketing operations are beyond the scope of this proceeding. NuVox objects to this interrogatory because the terms "qualifying service" and "non-qualifying service," are undefined, as more fully explained in General Objection 9 filed with the TRA on November 6, 2003. Therefore, this interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox also objects on the grounds that this interrogatory seeks information, which is confidential and proprietary

39. How do you determine whether you will serve an individual customer's location with multiple DSOs or whether you are going to use a DS1 or larger transmission system? Provide a detailed description of the analysis you would undertake to resolve this issue, and identify the factors that you would consider in making this type of a decision.

RESPONSE: NuVox objects to this interrogatory on the grounds that it is inconsistent with the analysis prescribed in the TRO, unrelated to the analysis the TRA is to make, irrelevant to the issues in the docket and not reasonably calculated to lead to the discovery of admissible evidence. NuVox also objects to the extent that this interrogatory seeks information related to special access circuits purchased out of BellSouth's interstate tariff rather than to unbundled network elements. NuVox also objects on the basis that this interrogatory seeks the disclosure of confidential and proprietary business information. NuVox objects to the extent that this interrogatory seeks or may be deemed to seek or require the production or disclosure of information or documents subject to the attorney/client, the accountant/client privilege, any confidentiality or non-disclosure agreement or any other applicable privilege, including the work product doctrine or the protection afforded mental impressions, conclusions, opinions or legal theories of NuVox's attorneys or its representatives. NuVox also objects on the grounds that this interrogatory as framed are overbroad and unduly burdensome. NuVox objects to this interrogatory on the grounds that it is irrelevant. NuVox's decision making about what type of transmission system with which it should serve a customer is beyond the scope of this proceeding.

40. Is there a typical or average number of DS0s at which you would chose to serve a particular customer with a DS1 or larger transmission system, all other things being equal? If so, please provide that typical or average number and explain how this number was derived.

RESPONSE: See Response to Interrogatory 40.

41. What additional equipment, if any, would be required (on the customer's side of the demarcation point rather than on network side of the demarcation point) to provide service to a customer with a DS1 rather than multiple DS0s? For instance, if a customer had 10 DS0s, and you want to provide the customer with the same functionality using a DS1, would a D-4 channel bank, or a digital PBX be required in order to provide equivalent service to the end user that has 10 DS0s? If so, please provide the average cost of the equipment that would be required to provide that functional equivalency (that is, the channel bank, or the PBX or whatever would typically be required should you decide to serve the customer with a DS1 rather than multiple DS0s.)

RESPONSE: See Response to Interrogatory 40.

42. What cost of capital do you use in evaluating whether to offer a qualifying service in a particular geographic market and how is that cost of capital determined?

RESPONSE: NuVox objects to this interrogatory on the grounds that the information sought is irrelevant. NuVox's capital cost analyses are beyond the scope of this proceeding. Also, such information is confidential and proprietary to NuVox. NuVox also objects to this interrogatory because it will not lead to the discovery of admissible evidence for the reasons explained in NuVox's objection to Interrogatory 15 filed with the TRA on November 6, 2003.

43. With regard to the cost of capital you use in evaluating whether to provide a qualifying service in a particular geographic market, what are the individual components of that cost of capital, such as the debt-equity ratio, the cost of debt and the cost of equity?

RESPONSE: See Response to Interrogatory 43.

44. In determining whether to offer a qualifying service in a particular geographic market, what time period do you typically use to evaluate that offer? That is, do you use one year, five years, ten years or some other time horizon over which you evaluate the project?

RESPONSE: NuVox objects to this interrogatory on the grounds that it is not reasonably calculated to lead to the discovery of admissible evidence as more fully explained in NuVox's objection to Interrogatory 15 filed with the TRA on November 6, 2003. In addition, the period of time over which NuVox may evaluate a product offering is beyond the scope of this proceeding as are NuVox's definitions of the terms "sales expenses," and "general and administrative expenses" and its estimate of those expenses.

45. Provide your definition of sales expense as that term is used in your business.

RESPONSE: See Response to Interrogatory 45.

46. Based on the definition of sales expense in the foregoing Interrogatory, please state how you estimate sales expense when evaluating whether to offer a qualifying service in a particular geographic market?

RESPONSE: See Response to Interrogatory 45.

47. Provide your definition of general and administrative (G&A) costs as you use those terms in your business.

RESPONSE: See Response to Interrogatory 45.

48. Based on the definition of G&A costs in the foregoing Interrogatory, please state how you estimate G&A expenses when evaluating whether to offer a qualifying service in a particular geographic market?

RESPONSE: See Response to Interrogatory 45.

49. For each day since January 1, 2000, identify the number of individual hot cuts that BellSouth has performed for NuVox in each state in BellSouth's region.

RESPONSE: NuVox has no means for retrieving the requested data.

50. For each individual hot cut identified in response to Interrogatory No. 50, state:

- (a) Whether the hot cut was coordinated or not;
- (b) If coordinated, whether the hot cut occurred as scheduled;
- (c) If the hot cut did not occur as scheduled, state whether this was due to a problem with BellSouth, NuVox, the end-user customer, or some third party, and describe with specificity the reason the hot cut did not occur as scheduled;
- (d) If there was a problem with the hot cut, state whether NuVox complained in writing to BellSouth or anyone else.

RESPONSE: See Response to Interrogatory No. 51.

51. Does NuVox have a preferred process for performing batch hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

RESPONSE: The preferred process would provide the following: a seamless transition for end users with no service outage; a cost effective method for performing cuts; flexibility with scheduling after hours cut if needed and a reasonable cost based rate for this process

52. Does NuVox have a preferred process for performing individual hot cuts? If the answer to this Interrogatory is in the affirmative, please describe this process with particularity

and identify all documents that discuss, describe, or otherwise refer or relate to this preferred process.

RESPONSE: The preferred process would provide the following: a seamless transition for end users with no service outage; a cost effective method for performing cuts; flexibility with scheduling after hours cut if needed and a reasonable cost based rate for this process

53. State whether NuVox agrees that it jointly developed BellSouth's process for individual hot cuts with BellSouth as set forth in the parties' April 16, 2001 Memorandum of Understanding. If NuVox does not agree, explain why and explain NuVox's view of its involvement in the development of that process.

RESPONSE: NuVox representatives responding to this Interrogatory do not have the referenced document in their possession and request that BellSouth provide additional information or documentation..

54. If NuVox has a preferred process for individual hot cuts that differs from BellSouth's process, identify each specific step in NuVox's process that differs from BellSouth's process.

RESPONSE: NuVox objects to this interrogatory on the grounds that BellSouth's definition of the terms "hot cut," "individual hot cut process," "batch hot cut," "batch hot cut process," and "non-coordinated hot cut" are vague as explained in General Objection 9 filed with the TRA on November 6, 2003. Therefore, this interrogatory is overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox objects to BellSouth's interrogatory to the extent they seek information related to special access circuits purchase out of BellSouth's interstate tariff rather than to unbundled network elements.

55. If NuVox has a preferred process for bulk hot cuts that differs from BellSouth's process, identify each specific step in NuVox's process that differs from BellSouth's process.

RESPONSE: See Response to Interrogatory 54.

56. Does NuVox have any estimates of what a typical individual hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

RESPONSE: See Response to Interrogatory 54.

57. Does NuVox have any estimates of what a typical bulk hot cut should cost? If the answer to this Interrogatory is in the affirmative, please provide that estimate, describe with particularity how that estimate was calculated, and identify all documents referring or relating to such estimates.

RESPONSE: See Response to Interrogatory 54.

58. What is the largest number of individual hot cuts that NuVox has requested in any individual central office in each of the nine BellSouth states on a single day? In answering this Interrogatory, identify the central office for which the request was made, and the number of hot cuts that were requested. State with specificity what the outcome was for each of the hot cuts in each of the central offices so described, if not provided in response to an earlier interrogatory.

RESPONSE: NuVox does not maintain the requested data.

59. Does any ILEC in the BellSouth region have a batch hot cut process that is acceptable to NuVox or that NuVox believes is superior to BellSouth's batch hot cut process? If so,

identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

RESPONSE: See Response to Interrogatory 54.

60. Does any ILEC in the BellSouth region have a cost for a batch hot cut process that is acceptable to NuVox? If so, name the ILEC and provide the rate and the source of the rate.

RESPONSE: See Response to Interrogatory 54.

61. Does any ILEC in the BellSouth region have an individual hot cut process that is acceptable to NuVox or that NuVox believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

RESPONSE: See Response to Interrogatory 54.

62. Does any ILEC in the BellSouth region have a rate for an individual hot cut process that is acceptable to NuVox? If so, name the ILEC and provide the rate and the source of the rate.

RESPONSE: See Response to Interrogatory 54.

63. Does any ILEC outside the BellSouth region have a batch hot cut process that is acceptable to NuVox or that NuVox believes is superior to BellSouth's batch hot cut process? If so, identify the ILEC and describe with particularity the ILEC's batch hot cut process, specifying any differences between the ILEC's batch hot cut process and BellSouth's.

RESPONSE: See Response to Interrogatory 54.

64. Does any ILEC outside the BellSouth region have a rate for a batch hot cut process that is acceptable to NuVox? If so, name the ILEC and provide the rate and the source of the rate.

RESPONSE: See Response to Interrogatory 54.

65. Does any ILEC outside the BellSouth region have an individual hot cut process that is acceptable to NuVox or that NuVox believes is superior to BellSouth's individual hot cut process? If so, identify the ILEC and describe with particularity the ILEC's individual hot cut process, specifying any differences between the ILEC's individual hot cut process and BellSouth's.

RESPONSE: See Response to Interrogatory 54.

66. Does any ILEC outside the BellSouth region have a rate for an individual hot cut process that is acceptable to NuVox? If so, name the ILEC and provide the rate and the source of the rate.

RESPONSE: See Response to Interrogatory 54.

67. Does NuVox order coordinated or non-coordinated hot cuts?

RESPONSE: Coordinated.

68. Does NuVox use the CFA database?

RESPONSE: NuVox objects to this interrogatory because the definition of "CFA database" is not defined. Therefore, this interrogatory is vague, overly broad and it would be unduly burdensome for NuVox to respond to such ambiguous discovery. NuVox requests clarification of the term "CFA database," and subject to this clarification, NuVox will provide a response.

70. Identify every issue related to BellSouth's hot cut process raised by NuVox at the Tennessee CLEC collaborative since October 2001.

RESPONSE: None.

71. What is the appropriate volume of loops that you contend the Tennessee Regulatory Authority ("TRA") should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: See Response to Interrogatory 54.

72. What is the appropriate process that you contend the TRA should use in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: See Response to Interrogatory 54.

73. If NuVox disagrees with BellSouth's individual hot cut process, identify every step that NuVox contends is unnecessary and state with specificity why the step is unnecessary.

RESPONSE: See Response to Interrogatory 54.

74. If NuVox disagrees with BellSouth's bulk hot cut process, identify every step that NuVox contends is unnecessary and state with specificity why the step is unnecessary.

RESPONSE: See Response to Interrogatory 54.

75. Identify by date, author and recipient every written complaint NuVox has made to BellSouth regarding BellSouth's hot cut process since October 2001.

RESPONSE: None.

76. How many unbundled loops does NuVox contend BellSouth must provision per state per month to constitute sufficient volume to assess BellSouth's hot cut process?

RESPONSE: NuVox's current provisioning plans account for very few hot cuts; therefore NuVox is unable to respond to this Interrogatory.

77. What is the appropriate information that you contend the TRA should consider in evaluating whether the ILEC is capable of migrating multiple lines served using unbundled local circuit switching to switches operated by a carrier other than the ILEC in a timely manner in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: NuVox's current provisioning plans account for very few hot cuts; therefore NuVox is unable to respond to this Interrogatory.

78. What is the average completion interval metric for provision of high volumes of loops that you contend the TRA should require in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: See Response to Interrogatory 54.

79. What are the rates that you contend the TRA should adopt in establishing a batch hot cut process consistent with FCC Rule 51.319(d)(2)(ii)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: See Response to Interrogatory 54.

80. What are the appropriate product market(s) that you contend the TRA should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: See Response to Interrogatory 54.

81. What are the appropriate geographic market(s) that you contend the TRA should use in implementing FCC Rule 51.319(d)(2)(i)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: NuVox objects to this interrogatory on the grounds that BellSouth's definition of "economic barriers," is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

82. Do you contend that there are operational barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(2) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such operational barrier, and state all facts and identify all documents supporting your contention.

RESPONSE: NuVox objects to this interrogatory on the grounds that BellSouth's definition of "economic barriers," is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

83. Do you contend that there are economic barriers within the meaning of FCC Rule 51.319(d)(2)(iii)(B)(3) that would support a finding that requesting telecommunications carriers are impaired without access to local circuit switching on an unbundled basis in a particular market? If the answer to this Interrogatory is in the affirmative, describe with particularity each such economic barrier, and state all facts and identify all documents supporting your contention.

RESPONSE: NuVox objects to this interrogatory on the grounds that BellSouth's definition of "economic barriers," is vague. Subject to and without waiving the objection, NuVox does not use unbundled local switching and so makes no contention in this regard.

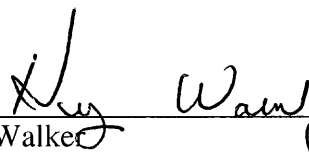

84. What is the maximum number of DS0 loops for each geographic market that you contend requesting telecommunications carriers can serve through unbundled switching when serving multiline end users at a single location that the TRA should consider in establishing a "cutoff" consistent with FCC Rule 51.319(d)(2)(iii)(B)(4)? In answering this Interrogatory, please state all facts and identify all documents supporting this contention.

RESPONSE: NuVox does not use unbundled local switching and so makes no contention in this regard.

Respectfully submitted this 25th day of November, 2003.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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CERTIFICATE OF SERVICE

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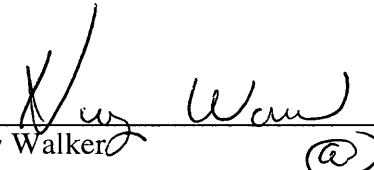
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ASCYTNMA Total
 DKSNTNMT Total
 FKLNTNCC Total
 FKLNTNMA Total
 FRVWTNMT Total
 GALLTNMA Total
 GDVLTNMA Total
 HDVLTNMA Total
 JFCYTNMA Total
 KNLVTNBE Total
 KNLVTNFC Total
 KNLVTNMA Total
 KNLVTNWH Total
 KNLVTNYH Total
 LBNNTNMA Total
 LNCYTNMA Total
 LODNTNMA Total
 MAVLTNMA Total
 MRBOTNBB Total
 MRBOTNMA Total
 MRTWTNMA Total
 MSCTTNMT Total
 MYVLTNMA Total
 NSVLTNAP Total
 NSVLTNBV Total
 NSVLTNBW Total
 NSVLTNCD Total
 NSVLTNCH Total
 NSVLTNDO Total
 NSVLTNHH Total
 NSVLTNIN Total
 NSVLTNMC Total
 NSVLTNMT Total
 NSVLTNST Total
 NSVLTNUN Total
 NSVLTNWC Total
 NSVLTNWM Total
 OKRGTNMT Total
 OLHCTNMA Total
 SMYRTNMA Total
 SPFDTNMA Total
 SVVLTNMT Total
 WHBLTNMT Total
 WHHSTNMA Total
 Grand Total

PRILOC CILLI	VOICE CURRE	DATA CURREN	TOTAL LINES
3	26	15	41
18	136	119	255
19	145	166	311
18	116	181	297
5	31	26	57
11	72	90	162
22	176	156	332
9	102	82	184
4	75	38	113
52	383	341	724
20	136	147	283
63	510	380	890
77	670	505	1175
14	67	88	155
4	16	26	42
7	46	49	95
7	34	52	86
29	278	200	478
1	10	0	10
26	129	160	289
5	61	34	95
2	19	10	29
2	10	8	18
11	64	60	124
10	90	108	198
43	432	372	804
10	49	66	115
16	121	132	253
24	208	191	399
2	13	10	23
8	87	110	197
7	59	40	99
65	544	532	1076
48	406	357	763
21	147	151	298
1	4	3	7
11	101	98	199
16	128	145	273
2	16	0	16
13	106	133	239
11	89	64	153
12	92	55	147
2	12	7	19
2	17	11	28
753	6033	5518	11551

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CLLI	Street	City	ST	ZIP
ASCYTNMA	106 MULBERRY ST	ASHLAND CITY	TN	37015
DKSNTNMT	305 N CHARLOTTE ST	DICKSON	TN	37055
FKLNTNCC	232 SEABOARD LN	FRANKLIN	TN	37064
FKLNTNMA	327 CUMMINS ST	FRANKLIN	TN	37064
FRVWTNMT	7112 ADAMS DR	FAIRVIEW	TN	37062
GALLTNMA	214 W SMITH ST	GALLATIN	TN	37066
GDVLTNMA	410 N MAIN ST	GOODLETTSVILLE	TN	37072
HDVLTNMA	121 WALTON FERRY RD	HENDERSONVILLE	TN	37075
JFCYTNMA	717 E COLLEGE ST	JEFFERSON CITY	TN	37760
KNVLTNBE	4605 LYONS VIEW PKE	KNOXVILLE	TN	0
KNVLTNFC	135 LYNNWOOD DR	KNOXVILLE	TN	37918
KNVLTNMA	410 W MAGNOLIA AVE	KNOXVILLE	TN	37917
KNVLTNWH	1701 WINSTON RD	KNOXVILLE	TN	37917
KNVLTNYH	131 YOUNG HIGH PKE	KNOXVILLE	TN	37920
LBNTNMA	230 W GAY ST	LEBANON	TN	37087
LNCYTNMA	315 BROADWAY W	LENOIR CITY	TN	37771
LODNTNMA	407 CEDAR ST	LOUDON	TN	37774
MAVLTNMA	285 S HALL RD	ALCOA	TN	37801
MRBOTNBB	800 PARK AVE	MURFREESBORO	TN	37129
MRBOTNMA	221 N CHURCH ST	MURFREESBORO	TN	37130
MRTWTNMA	301 E MAIN ST	MORRISTOWN	TN	37814
MSCTTNMT	9436 JOHNSON RD	STRAWBERRY PLAINS	TN	37806
MYVLTNMA	115 PROSPECT RD	MAYNARDVILLE	TN	37807
NSVLTNAP	1335 MURFREESBORO PKE	NASHVILLE	TN	37217
NSVLTNBV	907 TODD PREIS DR	NASHVILLE	TN	27215
NSVLTNBW	102 HIGH LEA RD	NASHVILLE	TN	37027
NSVLTNCD	6405 CENTENNIAL BLVD	NASHVILLE	TN	37209
NSVLTNCH	409 ELYSIAN FIELDS RD	NASHVILLE	TN	37211
NSVLTNDO	158 MC*GAVOCK PKE	NASHVILLE	TN	37214
NSVLTNHH	5200 CAIN RIDGE RD	ANTIOCH	TN	37013
NSVLTNIN	1224 GALLATIN AVE	NASHVILLE	TN	37214
NSVLTNMC	209 WOODRUFF ST	NASHVILLE	TN	37115
NSVLTNMT	185 2ND AVE N	NASHVILLE	TN	37201
NSVLTNST	3203 HILLSIDE DR	NASHVILLE	TN	37212
NSVLTNUN	2222 ELLISTON PL	NASHVILLE	TN	37203
NSVLTNWC	4060 LLOYD RD	WHITES CREEK	TN	37218
NSVLTNWM	904 DAVIDSON DR	NASHVILLE	TN	37205
OKRGTNMT	119 MILAN WAY	OAK RIDGE	TN	37830
OLHCTNMA	9TH & DODSON	OLD HICKORY	TN	37138
SMYRTNMA	104 DIVISION ST	SMYRNA	TN	37167
SPFDTNMA	1007 CHEATHAM ST	SPRINGFIELD	TN	37172
SVVLTNMT	110 SOUTH BLVD	SEVIERVILLE	TN	37862
WHBLTNMT	225 COMMERCE ST	WHITE BLUFF	TN	37187
WHHSTNMA	205 PORTLAND RD	WHITE HOUSE	TN	37188